**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**IN RE APPLICATION OF: *Morris et al.*

APPLICATION NO.: 09/938,276

FILED: August 22, 2001

FOR: **TISSUE SURFACE TREATMENT APPARATUS AND METHOD**

EXAMINER: Rollins, R.

ART UNIT: 3739

CONF. NO: 1933

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 CFR 1.97(b)(4)**

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits after the filing of a request for continued examination under 37 CFR §1.114, whichever occurs last [37 CFR 1.97(b)(4)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information☐ Copies of the following references are enclosed:☒ All cited references are U.S. patents and/or published applications, therefore no copies are enclosed.3. ☐ Copies of the following references can be found in parent Application No.☐ All cited references☐ References marked by asterisks☐ The following:☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority

citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references
- ☐ References marked by ampersands
- ☐ The following:

4. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

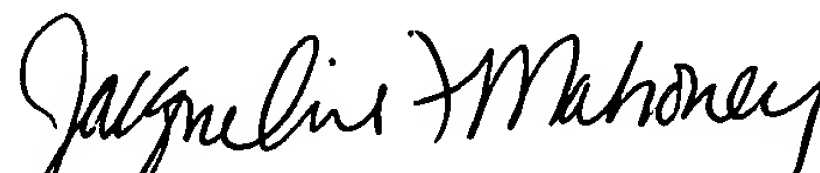
5. Fee Payment

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

6. Patent Term Adjustment (37 CFR 1.704(d))

☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,



Jacqueline F. Mahoney
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Date: Dec. 15, 2005

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)				COMPLETE IF KNOWN	
				Application Number	09/938,276
				Confirmation Number	1933
				Filing Date	August 22, 2001
				First Named Inventor	Morris <i>et al.</i>
				Group Art Unit	3739
				Examiner Name	Rollins, R. S.
Attorney Docket No.	37167-8043.US00				

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 DEC 15 2005
 PATENT & TRADEMARK OFFICE

Sheet	1	of	1
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		5,370,675		Edwards <i>et al.</i>	12/06/94	
		5,363,861		Edwards <i>et al.</i>	11/15/94	
		5,215,088		Normann <i>et al.</i>	06/01/93	
		6,358,273		Strul <i>et al.</i>	03/19/02	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).	